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September 18, 2014

Christopher.Calfee@opr.ca.gov

Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Re: Comments on Draft Changes to CEQA Guidelines SB-743
Due October 10, 2014

Dear Christopher Calfee:

The board of the Studio City Neighborhood Council is opposed to the change in philosophy and approach to assessing how developers and traffic engineers assess traffic congestion for projects under the California Environmental Quality Act (CEQA). We submit the attached specific comments on the proposed revisions.

Respectfully submitted,

John T. Walker, Ph.D., President
Studio City Neighborhood Council

Comments on the Draft Changes to CEQA Guidelines SB 743

1. Levels of Service (LOS) is best metric - Currently, environmental review of transportation impacts focus on the delay that vehicles experience at intersections and on roadways. The draft guidelines specify that trip generation and vehicle miles traveled are the primary considerations in a transportation analysis. In the instance of an infill development, stakeholders in the surrounding area have made their decision to locate in a certain area taking into account the existing transportation infrastructure and the time it takes them to reach their destination. Revising the transportation metric consider the miles traveled and not how long it takes to travel them can have a seriously adverse impact on the quality of life of those stakeholders. As trip generation is an important component in the LOS metric this metric should continue to be the preferred metric especially in instance of infill development where existing alternative modes of transportation are not adequate or readily available.

2. Do not change environmental metric - Under SB 743, the focus of transportation analysis will shift from driver delays to reduction of greenhouse gas emissions, increases in transit, pedestrian and bicycle use and mix of land uses. Traffic studies based on traffic flows require developers to improve roads and intersections as mitigation for traffic impacts. This is reasonable and should continue. Improvement in conditions for pedestrians, bicyclist and transit should not be the preferred mitigation of traffic impacts in the case of infill development where existing alternative modes of transportation are not adequate or readily available.

3. Negative impacts on infrastructure - We support the current approach to mitigate increased delays for new projects. Developers are required to expand roadway capacity by widening intersections, adding lanes, re-striping, installing new signals, adding curb cutouts, etc. The Studio City Neighborhood Council ("SCNC") does not agree with the State's claim that these measures would actually increase auto use and emissions and discourage alternative forms of transportation. Just the opposite will occur if the new Guidelines are implemented. They will allow larger and more massive projects to be built that will in turn encourage increased density and increased population. Such increases will tax other infrastructure elements such as solid waste disposal, water, power, public safety, schools, etc.

4. Vehicle miles traveled (VMT) - SB 743 requires the Office of Planning and Research (OPR) to amend CEQA to provide an alternative to level of service for evaluating transportation impacts. The alternative criteria must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." We do not agree that measurements of transportation impacts should include "vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated." The LOS standard should not be abandoned.

5. Reduction of meaningful mitigations - A consequence of the proposed changes will be that mitigations such as street dedications, widening roads or new traffic lights, etc. will no longer be required as the emphasis is shifted from the impact on stakeholders from traffic delays to the provision of multimodal transit. This is not appropriate in the instance of infill developments. When new projects generate the congestion the cost of mitigation measures should be borne by developers.

6. Regional impacts are inadequate metric - A project that results in vehicle miles traveled that is greater than the regional average would be considered to have significant impacts. The State proposes averages based upon an efficiency metric such as per capita, per employee, etc only generate theoretical results. Regional demand models do not necessarily correlate with actual traffic conditions from a new project. Models are no better than the algorithm or assumptions they are based upon. Models that use subjective or amorphous variables result in unreliable and inaccurate results. Such models should not be utilized in place of empirical data. They fail to adequately address impacts on specific projects.

7. Time delays will increase - The proposed guidelines have negative impacts and raise significant concerns related transportation delays. For example the increase presence of bicyclists and pedestrians in roadways increase vehicle conflicts. More pedestrians crossing streets, bicycles crossing roadways or on sidewalks will slow traffic movement and introduce delays - generating more greenhouse gas emissions. There will be more queuing on freeway off-ramps where queues extend onto the mainline.

8. Accidents and fatalities - The new guidelines raise major safety concerns. The new guidelines will substantially increase the unsafe conditions for many roadway users. The greater use of bicycles and increased pedestrians may result in increases in accidents and fatalities.

9. Loss of local control - While the State implied that there will be loss of local control. It maintains that cities and counties still require projects to achieve levels of service designated in general plans or zoning codes and does not preclude the application of local general plan policies, zoning codes, conditions of approval, thresholds, or any other planning requirements pursuant to the police power or any other authority. The SCNC is concerned that the new guidelines will become the de facto standard and that developers could actually be subject to increased regulations.

10. Unintended consequences will result - The encouragement of greater pedestrian, bicycle and transit use will have negative unintended consequences. The proposed changes will divert funds and resources away from roadway improvements. This will encourage the conversion of roadway lanes to bicycle lanes, creating safety issues and unanticipated zoning consequences. For example the introduction of parklets into roadways will remove available parking spaces, jam vehicle traffic into less roadway space. It is highly unlikely that the proposed changes will actually promote the reduction of greenhouse gas emissions, encourage the development of multimodal transportation networks or increase the diversity of land uses.

11. Electric vehicle green-house impacts - The proposed guideline changes suggest that there will be an increased use of electric vehicles and electric vehicle networks. Electric vehicles use energy generated from coal fired plants. This will not change for the present and near future. It is highly unlikely that the proposed changes will actually promote the reduction of greenhouse gas emissions.

12. Development diet, not road diets should be implemented - Traffic congestion is best controlled by limiting building permits and rationing new development. This fundamental mitigation is totally overlooked and ignored by the State. There is a critical need to limit and control new development so that traffic flow is not made worse.